

## Minutes of a Special Meeting of the Common Council of the Town of Clarkdale Held on Tuesday, April 26, 2005.

A Special meeting of the Common Council of the Town of Clarkdale was held on Tuesday, April 26, 2005 at 6:00 p.m. in the Men's Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, Arizona.

### Town Council:

Mayor	Doug Von Gausig
Vice Mayor	Jerry Wiley
Councilmember	Frank Sa
	Patricia Williams
	Vacancy

### Town Staff:

Town Manager	Gayle Mabery
Town Clerk	Joyce Driscoll
Town Attorney	Robert Pecharich
Com. Dev. Director	Steven Brown
Police Chief	Pat Haynie

Others in Attendance: Robyn Prudhomme-Bauer, Herb Jackson, Ellie Bauer, Richard Kevin, Chip Davis and Tim Wills.

**CALL TO ORDER** - Mayor Von Gausig called the meeting to order at 6:00 p.m. and noted that all members were present.

### PUBLIC COMMENT

**Robyn Prud'homme-Bauer**, 1750 Cholla Lane, invited everyone to the Economic Forum Part II on May 17<sup>th</sup> and to the Downtown Celebration on Saturday.

### CONSENT AGENDA

Councilmember Sa pulled Items D and E. Vice-Mayor Wiley moved to approve Items A, B and C. Councilmember Sa seconded and the motion passed unanimously.

Items D and E - Councilmember Sa stated that the scope of work should have been included in a previous contract.

Town Manager Mabery explained that Public Works Manager Burroughs reviewed the scope of work and revised by value engineering to return an approximate savings of \$150,000. However, it will require additional engineering costing approximately \$40,000. Comply with rural development

requirements and federal requirements to have survey done. She will check the previous contract scope of work.

Councilmember Sa moved to approve Item D. Vice-Mayor Wiley seconded and the motion passed unanimously. Councilmember Sa moved to approve Item E, contingent on the scope of work not previously being on the first contract. Vice-Mayor Wiley seconded and the motion passed unanimously.

- A) **AGREEMENT** - Approval of revisions to the membership agreement with the Verde Valley Benefit Pool and authority for Finance Director Coleen Gilboy to sign on behalf of the Town of Clarkdale.
- B) **RESOLUTION** - Approval of a resolution authorizing the submission of an application to the Water Infrastructure Finance authority (WIFA) for a technical assistance grant to update the Town's new Wastewater Treatment Plant construction plans.
- C) **PERMIT** - Approval of a one year extension of a Conditional Use Permit for the Spirit of Joy Lutheran Church.
- D) **CONTRACT** - Approval of a contract with Stantec consulting, Inc. for wastewater engineering services.
- E) **CONTRACT** - Approval of a contract with Stantec Consulting, Inc. for archeological investigation and report of effluent reuse site.

**HEARING** - A hearing to receive public input on a proposed rezoning of Lot 1, Foothills Terrace subdivision, assessors tax parcel #406-21-016 from R1-Residential to C-Commercial. It was noted that the applicant notified staff that he would not be able to attend this meeting. Town Manager Mabery stated that staff has met with the applicant and he wants a zoning change without a road being required.

**Herb Jackson**, 1261 Mark Avenue, stated he owns

property across the street and he is opposed to the change. Mayor Von Gausig closed the public hearing.

**ORDINANCE – Consideration of an Ordinance changing the zoning map of the Town of Clarkdale, rezoning Lot 1, Foothills Terrace subdivision, assessors tax parcel #406-26-016 from R1-Residential to C-Commercial.**

The Council agreed it did not wish to change the stipulations. Councilmember Sa moved to not adopt the ordinance making a zoning change. Vice-Mayor Wiley seconded and the motion passed unanimously.

**PRESENTATION – A presentation by Supervisor Chip Davis on the Yavapai County Regional Land Use Plan.**

County Supervisor Davis introduced Enlow Locker, a county staff person. Supervisor Davis stated they were developing a County General Plan, incorporated communities were developing their own General Plans and unincorporated communities were developing Community Plans. It felt like something was missing and he proposed developing a Regional Plan and identified the Verde Valley as the first area to make one.

Mr. Locker stated he has been working on the concept for seven years. The plan would include five incorporated areas, five unincorporated communities and the Yavapai-Apache Nation. In 1998, the county passed a resolution for regional planning in which each jurisdiction would be responsible for its own activities. In 2000 the communities signed a memorandum of understanding. The Board of Supervisors is selecting a consultant to pursue the regional plan. The proposed price is \$130,000 to 170,000. The county feels it cannot pay for it all. They picked a midpoint of \$150,000, of which the county would pay \$120,000 with the remaining amount split by the communities according to population. They are asking Clarkdale to put \$3,100 in its budget towards the cost of the consultant. They hope that each community would adopt the Regional Plan. The Regional Plan would address land use, open space, transportation, and affordable housing. There was

discussion of the areas adjacent to the town limits that would be included in the Regional Plan.

**DISCUSSION – A discussion with possible direction to staff concerning a Notice of Violation from the Department of Environmental Quality (ADEQ).**

#### Staff report

Mayor Von Gausig stated that flow logs show that the leak occurred on the same day as the citizen called ADEQ. The town patched the hole within an hour of receiving notification. He noted that they are preparing information and SEP proposals that could remove the fine for a meeting with ADEQ officials on May 3<sup>rd</sup>.

Discussion included the following issues:

1. ADEQ contributed to the problem by not notifying the town sooner.
2. ADEQ saw previous patches and they seemed to feel there were past problems that the town had not addressed.
3. The fine is unreasonable.
4. If there is a fine, it could be paid over time.

Town Manager Mabery noted that in all of the meetings with ADEQ, town staff has acknowledged that the leak was a serious problem and they have developed new procedures and processes not mandated by ADEQ. She feels there are better ways to ensure a similar situation does not occur again than the direction ADEQ is taking. She noted there are Special Penalty Considerations in the ADEQ Compliance and Enforcement Handbook for small communities. The item was opened to public comment.

*Ellie Bauer*, 1201 Main Street, suggested the town contact the attorney general's office. Town Manager Mabery noted that the attorney general has been at all meetings representing ADEQ and would be responsible for any enforcement.

**PUBLIC HEARING – A hearing to receive public input on a proposed change to Chapter 5, Section 17.J of the Zoning Code regarding landscape requirements for commercial and multi-family development.**

Community Development Director Brown presented the staff report, as follows:  
Background:

The Design Review Board, recognizing the potential increase of commercial and multi-family development within the Town, began an examination of Clarkdale's current landscape ordinance. The attached proposed revisions are the results of several months work by the Design Review Board. The proposed revision consists of two parts, the actual text of the ordinance, and a new recommended plant list. The Design Review Board focused on creating an ordinance that provided a framework for good landscape design, without limiting options for creativity. The recommended plant list therefore is

At there March 21, 2005 the Planning Commission reviewed the recommended changes, and voted to recommend them to Council.

#### Staff Recommendation:

Staff requests that the Council review the attached recommended revisions. The Council may accept the revisions as submitted, accept with changes noted, or return the project to the Design Review Board for additional work.

If the Council chooses to accept the recommended changes, Staff requests that the Council recommend the following:

That Section 17.J of Chapter 5 of the Town of Clarkdale Zoning Code be deleted in its entirety and replaced by the following to be designated as Section J:

#### **1. Intent:**

The Town of Clarkdale encourages an integrated approach to landscape design. The following standards provide direction towards the production of a viable, attractive landscape design developed in consideration of the existing environment and climatic challenges of our unique area.

#### Principles of Landscape Design Standards:

- ☞ Preserve and enhance the natural beauty and environment.
- ☞ Mitigate the impacts of parking and other vehicular areas.
- ☞ Ensure safety.
- ☞ Minimize the effects of temperature extremes, noise, pollution, wind and glare.
- ☞ Promote water and energy conservation.
- ☞ Enhance quality of life.

#### **2. Applicability:**

Landscaping is required for all new buildings and uses of land, redevelopment of buildings and land, except for single family residences or accessory structures for residential use.

#### **3. Basic Requirements:**

- 3.1 Surface areas of a project not used for buildings, drives, parking or permitted outside uses shall be landscaped, retained in its natural state or re-vegetated.
- 3.2 Any portions of a site disturbed by site preparation and/or construction, especially cut or fill slopes, shall be landscaped or re-vegetated.
- 3.3 Landscape areas may include organic and inorganic materials as approved by the Design Review Board and/or Community Development Director.
- 3.4 Preservation and re-use of viable native vegetation existing on the site is strongly encouraged.
- 3.5 Plant materials used shall be primarily native

or drought tolerant.

3.6 The majority of each design plan must incorporate Xeriscape concepts, including:

- 3.6.1 Use of mulch
- 3.6.2 Installation of a drip system
- 3.6.3 Use of drought tolerant plants
- 3.6.4 Use of permeable ground cover
- 3.6.5 Incorporation of shade

3.7 Landscape must be suitable to the terrain.

3.8 The Landscape Design must account for site drainage and pedestrian/bicycle traffic.

3.9 Design should promote bicycle traffic where applicable.

3.10 The Landscape Design must incorporate energy and water conservation concepts.

3.11 Landscaping must be installed prior to issuance of a certificate of occupancy or receiving a final inspection from the Town of Clarkdale or the owner shall provide the Town of Clarkdale with financial assurances, or other legal instrument acceptable to the Community Development Director, in sufficient amount, as evidenced by a written estimate from a licensed landscape architect or contractor to complete one-hundred percent of the landscaping.

3.12 All landscaping, irrigation and other site work shall be installed as shown on the approved landscape and irrigation plans.

#### **4. Buffering**

- a. Buffering is required between non-residential uses adjacent to existing or projected residential uses, and between multi-family or alternative living facilities and existing or projected single family uses.

The buffering may consist of landscape screening, solid walls, or a combination.

#### **5. Irrigation and Maintenance**

- a. Landscape areas of 2,000 square feet or more shall have an irrigation system sufficient to irrigate all areas having live landscape materials.
- b. Landscape areas of less than 2,000 square feet shall require a reliable water source sufficient to sustain plant life.
- c. The developer and subsequent owners shall be responsible for maintaining the landscaping as shown on the approved plan. Maintenance shall include regular irrigation, weeding, fertilizing and pruning.
- d. Replacement of dead materials is required within 180 days of discovery or by the next planting season, whichever occurs first.
- e. Areas left in their natural state must be monitored on a regular basis and any trash and debris removed immediately.
- f. The Town reserves the right to conduct compliance inspections.
- g. Use of gray water is encouraged.

#### **6. Restricted Planting Areas**

- a. At the intersection of two streets, or at the intersection of a street and an alley, a triangle measuring thirty-five (35) feet in length along the curb lines or edge of roadway or alley from the point of intersections must be left unobstructed.
- b. At the intersection of a street and a driveway a triangle measuring twenty (20) feet along the curb line or roadway edge and the edge of the driveway from the point of intersection, and connecting diagonally, must be left unobstructed.
- c. Landscape materials shall not exceed a height of thirty-six (36) inches above the grade of the roadway or driveway within the site distance triangle.
- d. Trees in the site distance triangle shall have a minimum eight (8) foot of clearance between the lowest limbs of the tree and the roadway.

## 7. Parking Areas

- a. Parking lot landscaping shall be included as part of the overall Landscape Design
- b. An area or combination of areas equal to ten (10) percent of the total parking lot area shall be landscaped.

Section 8 provides a list of approved plants for use in landscape design. This is not an all inclusive list, but any major deviation will have to be rationalized to the Design Review Board.

*Ellie Bauer*, 1201 Main Street, member of the Design Review Board and the Water Advisory Committee, clarified that staff added some items discussed by the Design Review Board. She has been impressed that the parking landscaping has remained attractive and commended the staff.

Town Manager Mabery noted that the Planning Commission has also reviewed and made a recommendation.

**RESOLUTION – A resolution declaring as public record that certain document filed with the Town Clerk and entitled “The 2005 Landscaping Changes to the Zoning Code of the Town of Clarkdale”.**

Town Manager Mabery explained the process by which a resolution is used with an ordinance and noted that the word “shall” means it is mandatory.

Vice-Mayor Wiley moved to adopt Resolution #1140, declaring as a public record that certain document filed with the Town Clerk and entitled “The 2005 Landscaping Changes to the Zoning Code of the Town of Clarkdale.” Councilmember Sa seconded and the motion passed unanimously.

**ORDINANCE – Consideration of an ordinance adopting by reference that certain document known as “The 2005 Landscaping Changes to the Zoning Code of the Town of Clarkdale”.**

Councilmember Sa moved to adopt Ordinance #270 adopting by reference that certain document known as “The 2005 Landscaping Changes to the Zoning Code of the Town of Clarkdale.” Councilmember

Williams seconded and the motion passed unanimously.

**ORDINANCE – Consideration of an ordinance amending Section 7-1-1 of the Town Code changing Building Code requirements for automatic sprinkler systems for fire suppression.**

Building Official Baker stated that 80% of people who die in fires, die in their own homes. He noted there are water savings, decreased fire deaths and reduced water damage in sprinklered houses. Firemen’s lives are also saved. The cost to install sprinklers runs \$1.00-2.50 per square foot. Homeowner’s insurance savings are 10-15%. This ordinance gives the building official the ability to approve the system. He stated he does not know of any problems with sprinkler lines freezing.

There was discussion of making the same requirement for manufactured housing. Town Manager Mabery stated that manufactured homes are mandated by the state. Most municipalities have not addressed applying it to manufactured homes. Staff would like to arrange a stakeholder group before bringing this issue back to the Council.

Building Official Baker clarified that this ordinance would apply to new construction and when additions are built over 50% of the area of a home.

The Council directed staff to pursue a sprinkler ordinance pertaining to manufactured homes.

Councilmember Williams moved to approve Ordinance #271 amending Section 7-1-1 of the Town Code, repealing conflicting ordinances, providing for severability and declaring an emergency. Councilmember Sa seconded and the motion passed unanimously.

**GENERAL PLAN EDUCATION – A presentation on the Cost of Development portion of the General Plan.**

Cost of development includes financing alternatives, financing authorities, goals, objectives, policies and an implementation program.

## FUTURE AGENDA ITEMS

Councilmember Sa requested an item about the Design Review Board’s powers and duties.

**ADJOURNMENT** - With no further business before the Council, and without objection, the meeting adjourned at 10:20 p.m.

**APPROVE:**

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Doug Von Gausig, Mayor

**ATTEST:**

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Joyce Driscoll, Town Clerk

**SUBMIT:**

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Charlotte Hawken, Admin. Assistant